

REMARKS

Claim 1 has been amended to correct the antecedent basis of the subject matter. Upon entry of this amendment, which is respectfully requested, Claims 1-16 are all the claims pending in the application.

Response to Claim rejection Under 35 U.S.C. § 112

Claims 1-5 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have reviewed the Examiner's rejection, and made appropriate corrections. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejections under §§ 102/103

Claims 6-16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,846,505 to Saegusa. Applicants respectfully traverse the rejection.

The Examiner asserts that Saeguse discloses that chlorine or hydrogen chloride may also be used as the atmosphere gas. However, Saeguse discloses that "[i]f chlorine or hydrogen chloride is used, a difference of a free energy between the raw material powder and the intended double metal oxide may be a positive value for some raw material powders, and it is very difficult to produce the desired product." See col. 6, lines 14-19 (emphasis added). Thus, Applicants respectfully submit that Saegusa teaches away from using chlorine or hydrogen chloride as the atmosphere gas. Accordingly, Saegusa fails to anticipate or render obvious the present claims, and withdrawal of the rejection is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Saegusa. Applicants respectfully traverse the rejection.

The Examiner asserts that the claimed and prior art products are produced by identical or substantially identical processes, thus, the prior art product inherently possesses the characteristics of the instantly claimed product. Applicants respectfully disagree.

As discussed above, the presently claimed product is produced by a different process from that disclosed in Saegusa. Thus, Applicants respectfully submit that Saegusa fails to disclose or suggest a product that would inherently possess the characteristics of the presently claimed product. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 6-16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0,064,499 to Uchida. Applicants respectfully traverse the rejection.

Uchida discloses a method of making perovskite barium titanate comprising the step of calcining metal salts or the complex metal salt in the presence of a hydrogen halide gas. See, Claim 1.

In contrast, present Claim 6 recites a method comprising, *inter alia*, step (2) calcining the obtained mixture under an atmosphere containing substantially no halogen at a temperature of not lower than the temperature for generation of barium titanate. Thus, Applicants respectfully submit that Uchida fails to anticipate or render obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Uchida. Applicants respectfully traverse the rejection.

The Examiner asserts that the claimed and prior art products are produced by identical or substantially identical processes, thus, the prior art product inherently possesses the characteristics of the instantly claimed product. Applicants respectfully disagree.

As discussed above, the presently claimed product is produced by a different process from that disclosed in Uchida. Thus, Applicants respectfully submit that Uchida fails to disclose or suggest a product that would inherently possess the characteristics of the presently claimed product. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

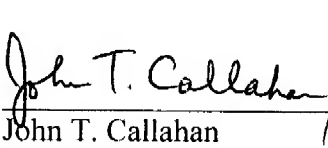
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


John T. Callahan
Registration No. 32,607

Burke / Cam
Reg. No. 33,725

Date: April 18, 2008